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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 08/367,881    | 01/03/95    | KYLE                  | D 311.48293         |

18M2/1028  
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| EXAMINER       |                    |
|----------------|--------------------|
| LANKFORD JR, L |                    |
| ART UNIT       | PAPER NUMBER       |
| 1808           | <i>[Signature]</i> |

DATE MAILED: 10/28/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

# Office Action Summary

Application No.  
08/367,881

Applicant(s)  
Kyle

Examiner  
L. Blaine Lankford

Group Art Unit  
1808



☒ Responsive to communication(s) filed on Jul 3, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-55 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-55 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 08/367,881

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Art Unit: 1808

**Part III DETAILED ACTION**

Claims 1-55 are rejected under 35 U.S.C. § 103 as being unpatentable over the Suntory references ('245 and '255) as cited in the office actions of the parent cases 08/202,878, 08/035,507 and 07/645,454.

Applicant claims a method for producing a single cell oil containing arachidonic acid.

The rejections stand for the reasons of record set forth in both office actions and the advisory action in the grandparent case 07/645,454.

The following changes would put the case in condition for allowance:

Claim 20 should be dependent on 19; claim 34 should be made independent; claims 29, 32, & 45 should be cancelled; and in claims 24, 30, 44 & 50 the percentage should be changed from 10% to 30%. Mr. posorske also raised some minor informalities that should be corrected.

In order to make the file complete, the applicant should produce a translated copy of DE 3603000 in order for the reference to be fully considered.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. Blaine Lankford whose telephone number is (703) 308-2455.

  
BLAINE LANKFORD  
PATENT EXAMINER  
GROUP 1800

9-25-96